

According to the MPEP 706.07 (f), if an Applicant replies within 2 months from the mailing date of a final rejection, and an Advisory Action is mailed before the end of 3 months from the date of mailing of the final rejection, the shortened statutory period will expired at the end of the 3 months from the date of mailing of the final rejection. *"If the Examiner, however, does not mail an Advisory Action until after the end of the 3-month period, the shortened statutory period will expire on the date the Examiner mails the Advisory Action and any extension of time fee would be calculated from the mailing date of the Advisory Action"*

As such, the extension of time is properly calculated from the mailing date of the Advisory Action (April 27, 2005), and just **one month** extension fee is required.

- ☒ Charge Bingham McCutchen's Deposit Account No. **50-2518** in the amount of **\$120.00.**
- ☒ The Commissioner is authorized to charge Bingham McCutchen's Deposit Account No. **50-2518** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **50-2518.**


Respectfully submitted,

BINGHAM McCUTCHEN LLP

Dated: _____

5/23/05

By: _____



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